

ORDINANCE NO. 7955

AN ORDINANCE PROHIBITING PARKING BETWEEN 8:30 A.M. TO 4:00 P.M. ON SCHOOL DAYS ONLY UPON PORTIONS OF CERTAIN STREETS IN THE VICINITY OF LEE HIGH SCHOOL; EXCEPT TO RESIDENTS WHOSE PROPERTY ABUTS SUCH STREETS AND HAVE OBTAINED A VALID PARKING PERMIT; AUTHORIZING AND DIRECTING THE TRAFFIC ENGINEER TO ERECT APPROPRIATE SIGNS; DECLARING ANY VEHICLE IN VIOLATION OF THE PROVISIONS OF THIS ORDINANCE A NUISANCE AND PROVIDING FOR THE REMOVAL OF SAME; CONTAINING A CUMULATIVE CLAUSE AND EXPRESSLY REPEALING ORDINANCE NUMBER 7785; CONTAINING A SAVINGS AND SEVERABILITY CLAUSE; PROVIDING FOR A MAXIMUM PENALTY OR FINE OF TWO HUNDRED DOLLARS (\$200.00); AND ORDERING PUBLICATION

WHEREAS, the Council finds that in order to expedite the orderly flow of traffic, to eliminate traffic congestion, to promote traffic safety, and to preserve the residential character of neighborhoods in the area of certain streets in the vicinity of Lee High School, it is in the public interest to regulate and restrict parking in the manner and on the portions of those streets described herein;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MIDLAND, TEXAS:

SECTION ONE. That on any of the streets or places described in Section Two hereof, no person, other than the owner or operator of a motor vehicle who resides on property immediately adjacent to said street or place and who has affixed to such vehicle a valid parking permit issued pursuant to the provisions of this ordinance, shall stop, stand or park a motor vehicle between the hours of 8:30 a.m. to 4:00 p.m. on school days. It shall be an affirmative defense to the provisions of this ordinance that such person stopped or

) parked said vehicle because it was necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device.

SECTION TWO. The streets or places which are restricted by the terms of this ordinance are as follows:

- a. Camarie Avenue - on both sides of Camarie Avenue from Shandon Avenue to Tarleton Street.
- b. Cimmaron Avenue - on both the north and south sides of Cimmaron Avenue from Tarleton Street to Midkiff Road.
- c. Cimmaron Avenue - on the north side of Cimmaron Avenue from Godfrey Street to Shandon Avenue.
- d. Dengar Avenue - on both the north and south sides of Dengar Avenue from Tarleton Street to Midkiff Road.
- e. Fannin Avenue - on both the north and south sides of Fannin Avenue from Tarleton Avenue to Midkiff Road.
- f. Godfrey Court - on both the north and south sides of Godfrey Court from Godfrey Street to the end of Godfrey Court.
- g. Godfrey Street -

On the west side of Godfrey Street from Cimmaron Avenue to Shandon Avenue and on the east side of Godfrey Street from the east/west alley south of Shandon Avenue to Shandon Avenue.

On the west side of Godfrey Street from Neely Avenue to Stanolind Avenue and on the east side of Godfrey Street from the east/west alley south of Neely Avenue to Stanolind Avenue.

- h. Neely Avenue -

On both the north and south sides of Neely Avenue from Tarleton Street to Terrace Avenue.

On the south side of Neely Avenue from Godfrey Street to Wedgewood Street.

- i. Rebel Drive - on both sides of Rebel Drive from Cimmaron Avenue to Godfrey Street.
- j. Seaboard Avenue - on both the north and south sides

of Seaboard Avenue from Tarleton Street to Godfrey Street.

- k. Shandon Avenue - on both sides of Shandon Avenue from Cimmaron Avenue to Midkiff Road.
- l. Stanolind Avenue - on the north side of Stanolind Avenue from Tarleton Street to Godfrey Street on the south side of Stanolind Avenue from Godfrey Street to the north/south alley.
- m. Stewart Avenue - on both the north and south sides of Stewart Avenue from Tarleton Street to Shandon Avenue.
- n. Tarleton Street - on both sides of Tarleton Street from Shandon Avenue to Camarie Avenue.

On the east side of Tarleton Street from Shandon Avenue to Stanolind Avenue.

On the west side of Tarleton Street from the east/west alley south of Neely Avenue to Stanolind Avenue.

SECTION THREE. A parking permit shall be issued by the Chief of Police or his designee upon application and payment of the fee authorized in Section Four hereof, only to the owner or operator of a motor vehicle who resides on property immediately adjacent to the street or place described in Section Two hereof.

SECTION FOUR. The Chief of Police is authorized to establish an annual residential parking permit fee to cover only the administrative costs of permits issued pursuant to the provisions of this ordinance.

SECTION FIVE. That in the event any vehicle shall be found parked in violation of the provisions of this ordinance, the same shall be a nuisance per se, and shall be removed by any police officer and taken to some place designated by the Chief of Police for such purpose, and be kept by such officer

) until the application for its redemption shall be made by the owner or his duly authorized agent, who shall be entitled to the possession thereof upon payment to the City of Midland of the charges specified in Section 2 of Chapter 3 of Title VI of the City Code of Midland, Texas. In the event any vehicle so impounded should not be redeemed by the owner or his duly authorized agent after notice as provided in Section 4 of Chapter 3 of Title VI of said Code, then such vehicle shall be disposed of in accordance with Sections 3 and 8 of Chapter 3 of Title VI of said Code.

) SECTION SIX. When any vehicle is parked in violation of the provisions of this ordinance, such fact shall be prima facie evidence that the person in whose name said vehicle is registered is guilty of a violation of the parking provision herein contained.

SECTION SEVEN. That the Traffic Engineer is hereby authorized and directed to erect appropriate signs and markings at the designated locations, in conformance with the State Highway Department's manual and specifications, where applicable, indicating and carrying out the provisions of this ordinance.

) SECTION EIGHT. The provisions of this ordinance are to be cumulative of all other ordinances or parts of ordinances governing or regulating the same subject matter as that covered herein; provided, however, that all prior ordinances or parts of ordinances inconsistent with or in conflict with any of the provisions of this ordinance are hereby expressly

repealed to the extent of any such inconsistency or conflict, and Ordinance No. 7785 is hereby expressly repealed.

SECTION NINE. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such holding shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Midland hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase hereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional or invalid.

SECTION TEN. The penalty for violation of this ordinance shall be in accordance with the general penalty provisions contained in Section 1-3-1 of the City Code of Midland, Texas, which provides for a fine not exceeding two hundred dollars (\$200.00).

SECTION ELEVEN. The City Secretary is hereby authorized and directed to publish the descriptive caption of this ordinance in the manner and for the length of time prescribed by law as an alternate method of publication.

The above and foregoing ordinance was duly proposed, read in full and adopted on first reading, the 11th day of July, A.D., 2000; and passed to second reading on motion of Council member Wood, seconded by Council member Morgan, by the following vote:

Council members voting "AYE": Wood, Morgan, Burns,
Simpson, Canon and
Bradford

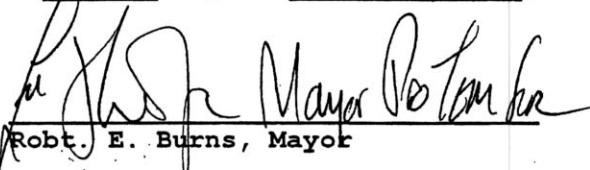
Council members voting "NAY": None

The above and foregoing ordinance was read in full and
finally adopted by the following vote upon motion of Council
member Simpson, seconded by Council member Morgan,
on the 25th day of July, A.D., 2000, at a regular
meeting of the City Council:


Council members voting "AYE": Simpson, Morgan, Dingus,
Wood, Canon and Bradford

Council members voting "NAY": None

PASSED AND APPROVED THIS 25th day of July,
A.D., 2000.


Robt. E. Burns, Mayor

ATTEST:


Kaylah J. McCord, City Secretary

APPROVED AS TO FORM:


Keith Stretcher, City Attorney